

At the outset, the Court notes that the petition is deficient. Under 28 U.S.C. § 2242:

Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.

It shall allege the facts concerning the applicant's commitment or detention, the name of the person who has custody over him and by virtue of what claim or authority, if known.

The instant petition is not verified as required by § 2242. As a result, the Court will order petitioner to file an amended petition.

To determine whether preliminary injunctive relief is warranted, the Court must balance threat of irreparable harm to movant, the potential harm to nonmoving party should injunction issue, the likelihood of success on merits, and the public interest. Dataphase Sys. v. CL Sys., 640 F.2d 109, 113-14 (8th Cir. 1981) (en banc). Because petitioner has just begun to serve a nine-year prison sentence, he has not shown how his alleged detention by the Marshal's Service will cause irreparable harm. Additionally, petitioner has not established that he is likely to succeed on the merits of the case. As a result, the motion for TRO will be denied.

Accordingly,

IT IS HEREBY ORDERED that petitioner shall file an amended petition that complies with federal habeas statutes **within 30 days of the date of this Order.**

IT IS FURTHER ORDERED that if petitioner fails to timely file an amended petition, this case will be dismissed.

IT IS FURTHER ORDERED that petitioner's motion for temporary restraining order [#4] is **DENIED**.

Dated this 27th Day of November, 2007.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE